

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JASMEN HOLLOWAY, et al.,

No. C 05-5056 PJH (MEJ)

Plaintiff(s),

vs.

BEST BUY CO., INC.,

**ORDER GRANTING IN PART
PLAINTIFFS' REQUEST TO
COMPEL PRODUCTION OF
PERSONNEL RECORDS**

Defendant(s).

The Court is in receipt of the parties' joint discovery dispute letter, filed August 22, 2006. (Doc. #34.) In the letter, the class action plaintiffs ("Plaintiffs") seek to compel defendant Best Buy Co., Inc. ("Best Buy") to produce personnel files of 15 current and former Best Buy employees that Best Buy has subpoenaed for deposition. Plaintiffs argue that their counsel need to review the files in order to prepare for the upcoming depositions and that the files contain information relevant to the case. In response, Best Buy argues that the files contain matters that go to the heart of the witnesses' right of privacy under the federal and California constitutions. Best Buy agrees that pay and some family status information may be relevant, but questions the relevancy of other private financial, family, and relationship information.

Upon review of the parties' arguments, the Court finds that limited production of the deponents' personnel records is appropriate. In federal court, there is no privilege that protects

1 disclosure of personnel files. *Garrett v. City and County of San Francisco*, 818 F.2d 1515, 1519 n.6
2 (9th Cir. 1987). Further, the employees' privacy interests are protected by the protective order in
3 this action. (Doc. #26.) Accordingly, the Court's only concern is the relevance of the personnel
4 records. On this point, Best Buy may redact Social Security numbers and those portions of the
5 records related to medical information. Best Buy may also redact financial information unrelated to
6 compensation. As to family records, Best Buy may redact the information that does not meet the
7 relevancy requirement of Federal Rule of Civil Procedure 26(b)(1). For any such information, Best
8 Buy shall submit those portions of the personnel records for *in camera* review as well as a written
9 explanation as to why said portions are not relevant to any of Plaintiffs' claims. Best Buy shall make
10 any such submissions to the Court by August 31, 2006.

11 **IT IS SO ORDERED.**

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13 Dated: August 24, 2006



14 MARIA-ELENA JAMES
15 United States Magistrate Judge
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